



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2184

DATE SCANNED 4-11-11

SCANNER NO. 2

SCAN OPERATOR CMN

11092652912



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2010 OCT -8 P 4:13

October 8, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC/NKE*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC/NKE*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NKI* NATALIYA IOFFE/SARI PICKERALL *AP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY
PRE-PRIMARY REPORT (ARIZONA AND FLORIDA)

Attached is a list of political committees and their treasurers who failed to timely file the 2010 12 Day Pre-Primary Report for the Arizona and Florida Primary Elections in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on August 12, 2010, and the Primary Elections were held on August 24, 2010.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission

Reason to Believe Circulation Report

2010 PRE-PRIMARY Election Sensitive 08/12/2010 AUTH (AZ, FL)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2184	C00463885	BRADLEY BEAUCHAMP FOR CONGRESS	BEAUCHAMP, BRADLEY DON	ERIK STAUBER	\$242,846	0	8/18/2010	6	\$54,364	\$990
2186	C00459420	KEVIN BURNS 4 US SENATE	BURNS, KEVIN A.	ROB FLINT	\$189,847	0		Not Filed	\$31,641 (est)	\$1,400
2187	C00480541	MARILI CANCIO FOR CONGRESS	CANCIO, MARIANA MARILI	ARMANDO HERNANDEZ	\$168,732	0	8/19/2010	7	\$5,959	\$180
2189	C00459883	THORPE FOR US SENATE	THORPE, MARION D. JR, MD, DR.	DR. MARION D. THORPE, JR. MD	\$618,285	0		Not Filed	\$103,048 (est)	\$5,500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2010 12 Day Pre-Primary Report (AZ and)
FL):)
MARILI CANCIO FOR CONGRESS, and) AF# 2187
ARMANDO HERNANDEZ as treasurer;)
BRADLEY BEAUCHAMP FOR) AF# 2184
CONGRESS, and ERIK STAUBER as)
treasurer;)

KEVIN BURNS 4 US SENATE, and ROB) AF# 2186
FLINT as treasurer;)

THORPE FOR US SENATE, and DR) AF# 2189
MARION D THORPE JR MD as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 13, 2010 the Commission took the following actions on the Reason To Believe Recommendation 2010 12 Day Pre-Primary Report (AZ and FL) as recommended in the Reports Analysis Division's Memorandum dated October 08, 2010, on the following committees:

AF#2187 Decided by a vote of 6-0 to: (1) find reason to believe that MARILI CANCIO FOR CONGRESS, and ARMANDO HERNANDEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2184 Decided by a vote of 6-0 to: (1) find reason to believe that BRADLEY BEAUCHAMP FOR CONGRESS, and ERIK STAUBER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2186 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2189 Decided by a vote of 6-0 to: (1) find reason to believe that THORPE FOR US SENATE, and DR MARION D THORPE JR MD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 13, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092652916



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 2010

Erik Stauber, in official capacity as Treasurer
Bradley Beauchamp for Congress
P.O. Box 222
Globe, AZ 85502

C00463885
AF#: 2184

Dear Mr. Stauber:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through August 4, 2010, shall be filed no later than August 12, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 18, 2010, six (6) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On October 13, 2010, the FEC found that there is reason to believe ("RTB") that Bradley Beauchamp for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before August 12, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by November 22, 2010, and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$54,364
Number of Days Late: 6
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 22, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(o).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Bradley Beauchamp for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

11092652919

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by November 22, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Bradley Beauchamp for Congress

FEC ID#: C00463885

AF#: 2184

PAYMENT DUE DATE: November 22, 2010

PAYMENT AMOUNT DUE: \$990

11092652920

**FEC OFFICE OF
ADMIN REVIEW**

2010 NOV 22 A 10:13

Federal Election Commission

Office of Administrative Review

999 E. Street NW

Washington D.C. 20463

To whom it may concern;

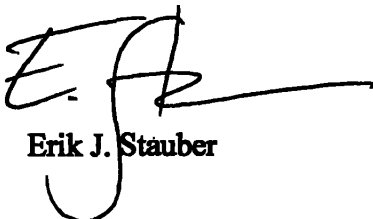
This is a letter of challenge regarding RTB findings on AF#: 2184. The challenge is based on our best efforts to file in a timely manner when doing so by unforeseen circumstances.

At the time of this notification, all campaign activities had been shut down including bank accounts, offices, and any campaign related activities. At the report date, our then campaign manager had left the campaign taking with him all FEC related paperwork and thus we were unaware of the Pre-Primary report. Upon notification, a call was placed immediately to the FEC filing office and a discussion with Eric Fusselle took place. We explained the circumstances and were told to complete the report as quickly as could be done. Within 24 hours of that call, the report was completed and turned in. At that time we were told of no penalties.

Since that time, all campaign staff and the former candidate have moved on from campaign related activities. This notice came to our attention two months after the completion of the campaign. To pay any penalty would be an undue hardship on myself and the former candidate since there are no campaign related funds nor any bank account. We are seeking to resolve this issue promptly and wish to have all civil penalties removed.

We look forward to your response and I am willing to discuss this issue at length. I can be contacted directly at

Sincerely,



Erik J. Stauber

11092652921



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 22, 2010

Erik Stauber, in his official capacity as Treasurer
Bradley Beauchamp for Congress
Post Office Box 222
Globe, AZ 85502

C00463885
AF# 2184

Dear Mr. Stauber:

On November 22, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092652922

**FEC OFFICE OF
ADMIN REVIEW**

2010 NOV 23 P 3:12

Date: November 23, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2184

Committee Name: Bradley Beauchamp for Congress

Committee ID#: C00463885

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated October 8, 2010 and RTB Certification,
dated October 13, 2010 (Y/N): N**

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 12 Day Pre-Primary Report (AZ) Prior Notice, dated July 19, 2010.

-RTB Letter, dated October 13, 2010.

Attachment #: 3

Other RAD Information: (Y/N): Y

Attachment#: N/A

11092652923


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[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **EQ82 6639 937U S**
 Guaranteed Delivery Date/Time: **October 21, 2010, 3:00 PM**
 Class: **Express Mail®**
 Status: **Delivered**

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Your item was delivered at 8:54 am on October 29, 2010 in GLOBE, AZ 85502. The item was signed for by A NORTON.

Detailed Results:

- Delivered, October 29, 2010, 8:54 am, GLOBE, AZ 85502
- Notice Left, October 21, 2010, 7:58 am, GLOBE, AZ 85502
- Arrival at Post Office, October 21, 2010, 7:51 am, GLOBE, AZ 85501
- Processed through Sort Facility, October 20, 2010, 5:28 am, PHOENIX, AZ 85026
- Processed through Sort Facility, October 19, 2010, 5:42 pm, WASHINGTON, DC 20074
- Acceptance, October 19, 2010, 4:00 pm, WASHINGTON, DC 20066

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

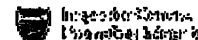
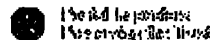
Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA



11092652924

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Bradley Beauchamp for Congress:
 - A) Prior Notice, dated July 19, 2010, referencing the 2010 12 Day Pre-Primary Report (sent via electronic mail to: INFO@BEAUCHAMPFORCONGRESS.COM);
 - B) Non-Filer Letter, dated August 13, 2010, referencing the 2010 12 Day Pre-Primary Report;
 - C) Reason-to-Believe Letter, dated October 18, 2010, referencing the 2010 12 Day Pre-Primary Report.

I hereby certify that I have searched the Commission's public records and find that Bradley Beauchamp for Congress filed the 2010 12 Day Pre-Primary Report with the Commission on August 18, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 23rd day of November, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

ARIZONA

July 19, 2010

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (08/24/10):

REPORT	REPORTING PERIOD ¹	DISCLOSURE & NOTICE DEADLINE	REPORTING DEADLINE
Pre-Primary	07/01/10 - 08/04/10	08/09/10	08/12/10
48-Hour Notices	08/05/10 - 08/21/10	-- AZ primary candidates only -- see filing info --	
October Quarterly	08/05/10 - 09/30/10	10/15/10	10/15/10

WHO MUST FILE

The following committees must file the Arizona Pre-Primary Report:

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2010 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Arizona Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- *The Record*: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- *The Record*: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(e).

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]; Notice 2010-02 (2/24/10) [PDF].

SUPPLEMENTAL FILING INFORMATION ARIZONA CAMPAIGN COMMITTEES ONLY

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of August 5 through August 21, 2010.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate, p. 80 [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

Attachment 3

Primary - 3

11092652929

11092652930

TREASURERLAWLER@SBCGLOBAL.NET
INFO@PAULINAFORCONGRESS.COM
INFO@LEEENTRY.COM
SCHNEIDERFORCONGRESS@GMAIL.COM
TERRY@MYERS4CONGRESS.COM
INFO@GRIJALVAFORCONGRESS.COM
DOUGHERTYFORSENATE@GMAIL.COM
GARYR@RODNEYGLASSMAN.COM
JJOSLYN2@COX.NET
KOLLER.WILLIAM@YAHOO.COM
DARRYL@COMMONCENTSCONSULTING.NET
INFO@JIMWARING.COM
MANAGER@VOTE4JANET.COM
SAM@SAMCRUMP.COM
MHALLER40@GMAIL.COM
GRAYSONRIC@YAHOO.COM
COMMITTEE@RUTH4AZ.GOM
BOWERS4CONGRESS@GMAIL.COM
JRJENSEN@CABLEONE.NET
JIMDEAKINFORSenate@YAHOO.COM
INFO@BITTERSMTTH.COM
JOESARMYFORCONGRESS@GMAIL.COM
LEANNFORCONGRESS@GMAIL.COM
SCHWEIKERT@DAVID08.COM
JEFF@VOTEJEFFSMTH2010.COM
RAP7POWER@GMAIL.COM
TREASURER@DFORSenate.COM
INFO@BEAUCHAMPFORCONGRESS.COM
TOM@ZALESKIFORCONGRESS.COM
ADMIN@CHARLESBLACKFORCONGRESS.COM
CAMPAIGN@VOTESPINKS.COM
JESSE@VOTEJESSEKELLY.COM
TREASURER@BRIANMILLERFOROONGRESS.COM
INFO@GORMAN2010.COM
INFO@EDPASTOR.COM
INFO@PATONFORCONGRESS.COM
DOYLE@TRENTFRANKS.COM
INFO@VOTEJIMWARD.COM
INFO@QUAYLEFORCONGRESS.COM
BFC@BRANCH2010.COM
ROB@ROBROBINSON.NET
MYSTRO@COX.NET
GABRIELLE@GIFFORDSFORCONGRESS.COM
SPURPURA@MOOAIN08HQ.COM
TREAS.NOLAN2010@WDSEV.COM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 2010

RQ-7

ERIK STAUBER, TREASURER
BRADLEY BEAUCHAMP FOR CONGRESS
PO BOX 282
GLOBE, AZ 85502

IDENTIFICATION NUMBER: C00463885

REFERENCE: PRE-PRIMARY REPORT 7/1/2010 - 8/4/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. IF YOU HAVE FILED THE REPORT TIMELY BY EXPRESS, CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITONIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030410126
11092652931



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 DEC 29 P 12:47

SENSITIVE

December 29, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2184 – Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer (C00463885)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092652932



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2184 – Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as
Treasurer (C00463885)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty.

Reason-to-Believe Background

On October 13, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$900, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on October 18, 2010 to notify them of the Commission's RTB finding and civil money penalty. The letter was delivered to the Committee on October 29, 2010.

Legal Requirements

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). The 2010 Arizona 12 Day Pre-Primary Report is due by August 12, 2010. Reports filed electronically must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on August 12, 2010 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On November 22, 2010, the Commission received the written response ("challenge") from the Treasurer, challenging the RTB finding based upon the committee's best efforts to file in a timely manner when doing so by unforeseen circumstances. The Treasurer states that at the report date, our then campaign manager had left the campaign taking with him all FEC related paperwork and thus we were unaware of the Pre-Primary report. Upon notification, a call was placed to the FEC filing office and we were told to file the report as quickly as could be done. Within 24 hours of that call, the report was completed and turned in. At that time we were told of no penalties. To pay any penalty would be an undue hardship on myself and the former candidate since there are no campaign related funds.

11092652933

Analysis

The respondents were notified of the requirement to file the 2010 12 Day Pre-Primary Report and the due date of the report, before and after the filing deadline. On July 19, 2010, the Commission sent the Prior Notice for the 2010 12 Day Pre-Primary Report to "info@beauchampforcongress.com," the email address listed on their Statement of Organization. Page 3 of the Prior Notice states that "Committee Treasurers are responsible for both the timeliness and accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or not filed on time." On August 13, 2010, the Commission sent the respondents a non-filer notice at their address of record, informing them of their failure to file the required report. The non-filer notice states, "...the failure to timely file this report may result in civil money penalties, an audit or other legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report."

The 2010 12 Day Pre-Primary Report was filed on August 18, 2010, 6 days late, resulting in a civil money penalty of \$990. Although the respondents state that this penalty poses an undue hardship on the Treasurer and former Candidate because there are no campaign related funds, the most recently filed report (the 2010 October Quarterly Report) discloses an ending cash balance of \$11,433.01.

The administrative fine regulations state that a respondent may challenge a reason to believe finding if the respondent was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent and the respondent filed no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b). The administrative fine regulations also list circumstances that will not be considered reasonably unforeseen and beyond the control of the respondent. Unavailability of the treasurer or other staff (e.g. campaign manager) and a committee's failure to know filing dates are not considered reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d).

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2184 involving Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2184 that Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

11092652935

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 12 Day Pre-Primary Report is due August 12, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on August 12, 2010 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2010 12 Day Pre-Primary Report electronically filed by Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through August 4, 2010, and was received on August 18, 2010. Line 16, Column A lists \$23,380.00 in total receipts for this period. Line 22, Column A lists \$30,984.29 in total disbursements for this period; and
 - b) Page 1 of the Summary Page and Page 4 of the Detailed Summary Page for the 2010 October Quarterly Report electronically filed by Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from August 5 through September 30, 2010. Line 27 lists \$11,433.01 in cash on hand at the close of the reporting period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 29th of December, 2010.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092652936

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Bradley Beauchamp for Congress

ADDRESS (number and street)

PO Box 222

Check if different
than previously
reported. (ACC)

Globe

AZ

85502

2. FEC IDENTIFICATION NUMBER

C00463885

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

AZ

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

X

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

08

24

2010

in the
State of

AZ

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 07 01 2010 through 08 04 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Erik Stauber

Signature of Treasurer

Electronically Filed by Erik Stauber

Date 08 18 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FESAN018

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DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

3 / 27

Write or Type Committee Name
Bradley Beauchamp for CongressReport Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y
0 7 0 1 2 0 1 0 0 8 0 4 2 0 1 0

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	19380.00	92660.00
(ii) Unitemized.....	4000.00	27418.00
(iii) TOTAL of contributions	23380.00	120078.00
from individuals..... ▶		
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACS).....	0.00	0.00
(d) The Candidate.....	0.00	24800.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))	23380.00	144878.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
13. LOANS		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	23380.00	144878.00

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 27

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	30984.29	97967.69
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	30984.29	97967.69
III. CASH SUMMARY		
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....		54514.60
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....		23380.00
25. SUBTOTAL (add Line 23 and Line 24).....		77894.60
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....		30984.29
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....		46910.31

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**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Bradley Beauchamp for Congress

ADDRESS (number and street)

PO Box 222

Check if different
than previously
reported. (ACC)

Globe

AZ

85502

2. FEC IDENTIFICATION NUMBER

C00463885

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
-
- REPORT

X

NEW
(N)

OR

AMENDED
(A)

AZ

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 08 05 2010 through 09 30 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Erik Stauber

Signature of Treasurer Electronically Filed by Erik Stauber

Date 10 05 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 23

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	25927.30	123894.99
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	10200.00	10200.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	10200.00	10200.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ➤	36127.30	134094.99

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	46910.31
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	650.00
25. SUBTOTAL (add Line 23 and Line 24).....	47560.31
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	36127.30
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	11433.01

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

January 3, 2011

Erik Stauber, in his official capacity as Treasurer
Bradley Beauchamp for Congress
P.O. Box 222
Globe, AZ 85502

C00463885
AF# 2184

Dear Mr. Stauber:

On October 13, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Bradley Beauchamp for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092652942



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 JAN 20 A 10: 29

January 19, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2184 – Bradley Beauchamp
for Congress and Erik Stauber, in his official capacity as Treasurer
(C00463885)

On October 13, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 22, 2010, the Office of Administrative Review received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 29, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2184 involving Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2184 that Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation) AF 2184
Bradley Beauchamp for Congress and)
Erik Stauber, in his official capacity as)
Treasurer (C00463885))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 04, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2184:

1. Adopt the Reviewing Officer recommendation for AF 2184 involving Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2184 that Bradley Beauchamp for Congress and Erik Stauber, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 7, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092652945



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Erik Stauber, in his official capacity as Treasurer
Bradley Beauchamp for Congress
Post Office Box 222
Globe, AZ 85502

C00463885
AF# 2184

Dear Mr. Stauber:

On October 13, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Bradley Beauchamp for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report. By letter dated October 18, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 22, 2010, the Office of Administrative Review received the written response from, as Treasurer, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Bradley Beauchamp for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$990 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on January 3, 2011.

On February 4, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Bradley Beauchamp for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$990. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

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which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$990 for the 2010 12 Day Pre-Primary Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Bradley Beauchamp for Congress

FEC ID#: C00463885

AF#: 2184

PAYMENT AMOUNT DUE: \$990

FOR: Bradley Beauchamp for Congress

FEC ID#: C00463885

AF#: 2184

PAYMENT AMOUNT DUE: \$990

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000099000 BA# 1 03-07-11 20 3



Bank of America

Cashier's Check

No. 008947004

Bank of America Cashier's Check No. 008947004

Pay to the order of: FEDERAL ELECTION COMMISSION

Amount: \$990.00

Authorized Signature: [Signature]

VOID AFTER 90 DAYS

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK

11092652949
us bancorp.



FEDERAL ELECTION COMMISSION
Washington DC 20463

11092652950

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2184

DATE SCANNED 4-11-11

SCANNER NO. 2

SCAN OPERATOR Jan P